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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of Discrimination
and Protection of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[2 August 1994]

Conclusions of the International Commission of Inquiry into the human rights violations committed in Burundi since 21 October 1993

1. On 5 July 1994, the International Commission of Inquiry into the human rights violations committed in Burundi since 21 October 1993 published the final report on the investigation which it conducted in Burundi from 26 January to 10 February 1994.

2. The International Commission of Inquiry was composed of 13 human rights experts of 8 different nationalities. It was mandated by a number of international NGOs, including the International Federation of Human Rights (FIDH).

3. The report is nearly 200 pages long. It analyses the facts regarding the attempted coup d'état that took place during the night of 20/21 October 1993 and the consequences of that attempt within the country during the days and weeks that followed. The immediate effect of the attempt was to set off a wave of violence in most parts of Burundi which claimed the lives of approximately 50,000 people.

4. Most of the military hierarchy and the armed forces were implicated in the attempted coup d'état or did nothing to oppose it. The International Commission identified the killers of the President of the Republic and, in this connection, is in possession of information which it could make available to independent and impartial Burundi courts. In addition, it cites the names of persons whom it believes to be linked with the attempted putsch either as active participants or as opportunists who sought to turn the putsch to their advantage.

5. The putschist behaviour of high-ranking officers is attested, inter alia, by the arrest of legitimate authorities, particularly governors and certain local authorities - arrests which made it impossible for those authorities to react to the disturbances created by the attempted coup. These arrests contributed to the atmosphere of terror, which itself stimulated the killings within the country.

6. As soon as the news of the putsch became known, people started to barricade roads and organize security patrols. Most of these measures of self-defence were ordered or inspired by the local or provincial authorities. On the day of the putsch and the following days, some ministers broadcast appeals for resistance. The International Commission considers that, while these measures did not in themselves constitute a violation of human rights, they entailed a major risk of making the situation uncontrollable unless they were accompanied by clear instructions not to kill. Consequently, the Commission is of the view that the Government did not react effectively to the news of the massacres coming in from inside the country. It also considers that fear and disorganization are not convincing excuses, for the ministers who managed to make broadcast appeals for resistance could have used the same media to appeal for an end to the massacres.

7. The Commission gathered evidence indicating that, in places where large numbers of Tutsi were killed, a substantial minority of hill chiefs, zone chiefs and communal administrators incited and participated in summary executions. The fact that, in half the communes where sizeable numbers of Tutsi were killed, these killings began with by Tutsi being detained as hostages, often in public buildings, unfortunately suggests that a not insignificant part of the territorial administration is implicated. Such implication is a two-way affair, since the Commission gathered evidence that some Tutsi officials used their status and the resources of their office to facilitate the massacre of Hutu. These findings necessarily cast doubt on the theory of a spontaneous outbreak of violence among the population, at any rate as a general phenomenon, although this is not to overlook the initiatives of authorities who attempted, sometimes in vain and sometimes successfully, to prevent the killings. These authorities deserve to be commended for their courageous pacifying role.

8. The army and the gendarmerie used excessive and unnecessary force against the civilian population. The Commission gathered irrefutable material evidence that heavy 14.5-mm machine guns, 20-mm cannon, armoured vehicles and helicopters were used to attack citizens who, in almost all cases, were only trying to flee and to protect themselves.

9. The chronology of events varies from one place to another. The attempted coup d'état was obviously the primary cause of the massacres. During the early days, the Hutu attacked the Tutsi, provoking military reprisals. However, the army also intervened in communities where there had been few or no massacres of Tutsi.

10. The army and the gendarmerie used Tutsi and Twa civilians, both adults and schoolchildren, to extend the scope and effectiveness of their attacks for political and strategic purposes and for personal economic gain, by involving them as perpetrators or accomplices in murdering or looting. Pupils in various secondary schools participated in killings and looting, sometimes at their own initiative, but often under the direction of adult civilians or military personnel. The Commission particularly condemns these practices and emphasizes the dangers for a society which involves its young people in killings.

11. Lastly, no effective action was taken to investigate and prosecute those guilty of the massive violations of human rights suffered by the Burundi people. Such impunity has only served to encourage violence and human rights violations in the past and will no doubt continue to do so.

12. The International Commission of Inquiry appeals for international judicial solidarity to provide Burundi with the human and financial resources needed to enable the Burundi courts to try culprits in the reasonably near future. Burundi could take the necessary legislative measures to enable Burundi and foreign personnel to collaborate with the national courts, according to a formula to be determined. The International Commission emphasizes the need for the international community, while maintaining its traditional cooperation activities, to supplement that aid by major programmes to assist in the establishment of a State based on the rule of law.

13. The army and the gendarmerie must abide by the rule of law. They must be separated and devote their respective efforts to the defence of the national territory and the maintenance of law and order. They must come under different commands. The gendarmerie must be demilitarized. In the training of military personnel and gendarmes, emphasis must be placed on the principle that the effectiveness of the law enforcement forces is to be measured in terms of the services that they render to the population, without social, ethnic, political or other distinction. The Government must vigorously pursue the objective of an armed force and a gendarmerie reflecting the composition of the national population.

14. FIDH wishes to express its deepest concern regarding the recent establishment of a new free radio, Radio Rutomorangingo, which broadcasts calls for killings along the lines of those put out by Radio RTLM in Rwanda, based on racist ideas. FIDH appeals to the international community to take all necessary steps to close down these two radio stations, whose remarks can

only encourage inter-ethnic conflicts, both today and tomorrow. Silencing them would be a first step towards the restoration of peace in both Rwanda and Burundi, without forgetting Zaire.

15. FIDH is surprised that these radios have not yet been neutralized, when they can easily be located and, according to its information the United Nations has a project for jamming RTLM radio broadcasts; it notes with concern the slowness with which this type of project is designed and implemented. It would also fail to understand why transmitters broadcasting to Rwanda should be the only ones to be neutralized when it is still possible to take preventive action for Burundi.

16. In addition, those carrying out and responsible for these criminal broadcasts should be arrested by any authority in a position to do so, and brought before the courts. In the case of Radio Rutomorangingo, the passivity of the international community is all the more disquieting in that this radio station has for several weeks been located - and perhaps is still located - in the "humanitarian safe zone" created by Operation Turquoise.